

**UNITED STATES DISTRICT COURT  
THE DISTRICT OF MASSACHUSETTS**

<b>UNITED STATES OF AMERICA )</b>	<b>CRIMINAL NO.04-CR10166(RGS)</b>
<b>)</b>	
<b>)</b>	
<b>V. )</b>	
<b>)</b>	
<b>DAVID CARL ARNDT )</b>	
<b>AND )</b>	
<b>DONALD BING MCGILVRAY )</b>	

**MOTION TO CONTINUE SENTENCING OF  
DEFENDANT, DONALD BING MCGILVRAY**

NOW COMES the Defendant, Donald Bing McGilvray and moves this Court to continue his sentencing to a date at least two weeks after the sentencing of Co-Defendant David Carl Arndt. In support thereof, the Defendant says:

1. For reasons set out in his previous Motions to Continue, it is appropriate to sentence this Defendant after the sentencing of Co-Defendant David Carl Arndt;
2. The sentencing of Co-Defendant David Carl Arndt has been continued pending the First Circuit decision in the United States v. German Narvaez-Rosario, No. 05-1355;
3. It is appropriate to continue the Defendant's sentencing which is currently scheduled for April 12, 2006 to an appropriate date after the sentencing of Co-Defendant David Carl Arndt;

WHEREFORE, the Defendant Donald Bing McGilvray requests this Court to schedule his sentencing at a reasonable time thereafter.

Respectfully submitted,  
Defendant, Donald Bing McGilvray  
By his attorney

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